

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (ROAD HEARING)

July 9, 2007

**5:00 PM
Aldermanic Chambers
City Hall (3rd Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions, followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

A. *Petition to discontinue Pamela Circle*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

B. *Petition to discontinue a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

C. *Petition to discontinue a portion of Litchfield Lane*

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Guinta calls for those wishing to speak in favor.

Mayor Guinta calls for those wishing to speak in opposition.

5. Mayor Guinta advises that a motion is in order to recess the hearing and proceed to view the areas of petitions presented.
6. Mayor Guinta calls the meeting back to order at the site of the first petition.

Item 4A *Petition to discontinue Pamela Circle*
Ladies and Gentlemen, what is your pleasure?

7. Mayor Guinta calls the meeting back to order at the site of the second petition.

Item 4B *Petition to discontinue a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)*
Ladies and Gentlemen, what is your pleasure?

8. Mayor Guinta calls the meeting back to order at the site of the third petition.

Item 4C *Petition to discontinue a portion of Litchfield Lane*
Ladies and Gentlemen, what is your pleasure?


9. Mayor Guinta advises that this being a special meeting of the Board, no further business shall be presented and a motion to adjourn would be in order.

To the Board of Mayor and Aldermen of the City of Manchester:

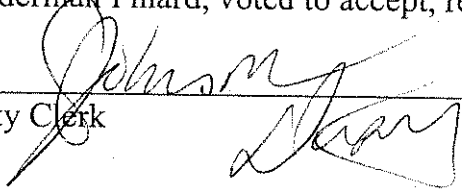
The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to discontinue Pamela Circle submitted by the Airport Director be referred to a Road Hearing to be held at the earliest date to be determined by the City Clerk.

(Unanimous vote.)

Respectfully submitted,


Clerk of Committee

February 6, 2007. In Board of Mayor and Aldermen
On motion of Alderman O'Neil, duly seconded by
Alderman Pinard, voted to accept, receive & adopt report.



City Clerk

4A + b



Kevin A. Dillon, A.A.E.
Airport Director

10-23-06 Labeled
Pending Solicitor Review

One Airport Road
Suite 300
Manchester, NH
03103-3395
Tel: 603-624-6539
Fax: 603-666-4101
www.flymanchester.com

05 October 2006

The City of Manchester
Board of Mayor & Alderman
One City Hall Plaza
Manchester, NH 03101

Re: Discontinuance of Pamela Circle Off Brown Ave.

To the Honorable Board:

I am requesting the consent of the Board of Mayor & Alderman to accept this request for the discontinuance of Pamela Circle. The road is located off the intersection of Brown Avenue and Hazelton Avenue, and is further identified by the attached subdivision plan of Lot 7 & 7A, Map 710 as recorded in the county of Hillsborough Registry of Deeds as plan # 16516. All of the related homes in the subdivision were acquired by the Airport and removed, as required by the Federal Aviation Administration, to protect the Runway Protection Zone associated with Runway 6. The road should be removed from City records and from the scheduled City's Highway maintenance route.

Therefore, I respectfully request that for the accommodation of the public the Manchester Board of Mayor and Alderman accept the discontinuance of Pamela Circle.

I will be available to answer your questions regarding this request at the next Board Meeting scheduled for Tuesday, November 14, 2006. I thank you for your time and consideration.

Sincerely,

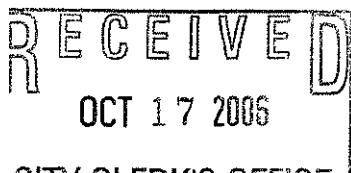
A handwritten signature in cursive script that reads 'Kevin A. Dillon'.

Kevin A. Dillon, A.A.E.
Airport Director

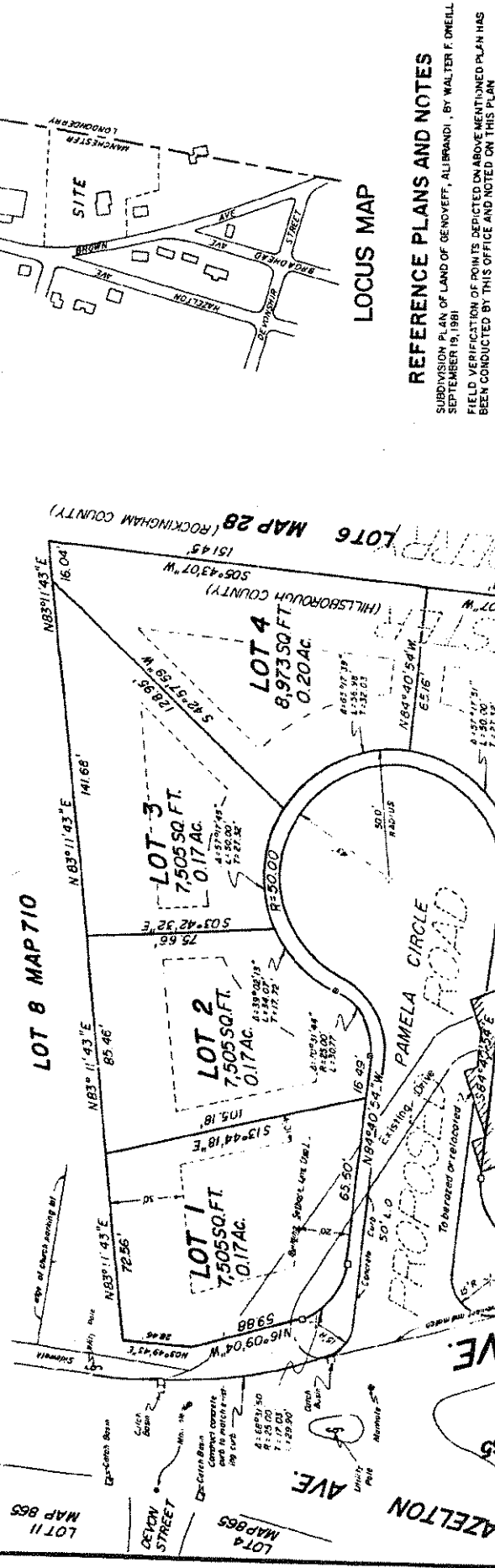
Enclosure

KAD/mjv

Cc: David Bush
Richard S. Fixler



4A + 6

[illegible]

REFERENCE PLANS AND NOTES

SUBDIVISION PLAN OF LAND OF GENOVEFF, ALBRANDI, BY WALTER F. ONEILL
SEPTEMBER 19, 1981

FIELD VERIFICATION OF POINTS DEPICTED ON ABOVE-MENTIONED PLAN HAS
BEEN CONDUCTED BY THIS OFFICE AND NOTED ON THIS PLAN

REFERENCE PLANS AND NOTES

SUBDIVISION PLAN OF LAND OF GENOVEFF, ALBRANDI, BY WALTER F. ONEILL
SEPTEMBER 19, 1981

FIELD VERIFICATION OF POINTS DEPICTED ON ABOVE-MENTIONED PLAN HAS
BEEN CONDUCTED BY THIS OFFICE AND NOTED ON THIS PLAN

INHERBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND HAS A MAXIMUM ERROR OF CLOSURE OF 1/10,000 ON ALL PROPERTY LINES IN AND BORDERING THE SUBJECT PROPERTY.

3-23-03

Lot 8	St. Francis Church, 3221 Brown Ave., Manchester N.H. 03104
Lot 11	Stephen B. Jean Wright, 3316 Brown Ave., Manchester N.H. 03104
Lot 4	Rose A. Nore, 14 Devon Street, Manchester N.H. 03104
Lot 1	Richard LaBerge, 3352 Brown Ave. Manchester N.H. 03104
Lot 4	Kiro Construction, 9 Paperdrive Drive, Manchester N.H. 03104
Lot 5	Nino Iambergi, 3353 Brown Ave., Manchester N.H. 03104
	LONDONERRY

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Lot 5	Nino Iambergi, 3353 Brown Ave., Manchester N.H. 03104
	LONDONERRY

Lot 6 Norman Leavitt, Old Coffee Road, Deerfield N. H.
Lot 7 Nina Isenberg, 3333 Brown Ave., Manchester, N. H. 03104
"12" Wedding of Paula, Meribon, N. H.
NOM. City Planning Board, Manchester, N. H.

The revolution is shown on this page
but has appeared and this plan is
being approved and recorded.

W.G. HOWARD INC. BOW, N.H.

LAND SURVEYING
TOPOGRAPHIC MAPPING
SEPTIC SYSTEM DESIGNS
SITE PLANNING
CONSTRUCTION LAYOUT
SUBDIVISIONS

RR 3 BOX 24 A, CONCORD, NEW HAMPSHIRE
03301
TELEPHONE 503-228-1645

SCALE 1" = 30'

CLIENT: GREAT PROPERTIES INC.
136 WILLIAMS STREET
MANCHESTER, N.H. 03102

Rev: 11/28/83 Curb Mount Change

BOOK ID: PAGE 25
JOB NUMBER 063

Pl. 16516
Dr. 60



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

October 18, 2006

Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO DISCONTINUE PAMELA CIRCLE

Dear Committee Members,

We have reviewed the referenced item and have found the following:

Pamela Circle was dedicated by a subdivision plan entitled "Subdivision of Lot 7 & 8, Map 710" approved April 6, 1984 by William G. Howard, L.L.S. No formal acceptance by the Board of Mayor and Aldermen was found.

The street was built and maintained by the City of Manchester. The airport expansion required the elimination of these of homes and the street. The Highway Department would support a discontinuance of the street.

Sincerely,

Frank Thomas, P.E.
Public Works Director

MJM
cc: File

4A + b

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that petitions:

Layout and discontinuance of a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive); and
Discontinuance of a portion of Litchfield Lane

be referred to a Road Hearing at a date to be set by the City Clerk.

(Unanimous Vote)

Respectfully submitted,

At a meeting of the Board of Mayor and Aldermen
held May 15, 2007 on a motion of Ald. Smith
duly seconded by Ald. Thibault the report
of the Committee was accepted and its recommendations
(adopted) (adopted)


Clerk of Committee


City Clerk

4B+7

To the Honorable Board of Mayor and Alderman of the
City of Manchester:

**PETITION TO DISCONTINUE
ELM ST. EAST BACK/HARRY THEO DRIVE**

The Undersigned, Michael Kapos for Michael's School of Hair Design, respectfully represent that for the accommodation of the public there is occasion for discontinuing a highway known as Elm St. East Back (recently renamed; Harry Theo Drive) in Manchester, New Hampshire located between Cedar and Auburn St just off Elm St.

Discontinuance of this highway will require a utility easement for the servicing of the 24" public sewer line that is in the southerly half of the highway extending from Auburn St.

Now therefore, the undersigned hereby respectfully request you to discontinue the above-described portion of Elm St. East Back/Harry Theo Dr..

Dated this day 22nd day of March 2007.

By: 
Michael Kapos – Owner 533 Elm St.

HB-7

Cliff Harris

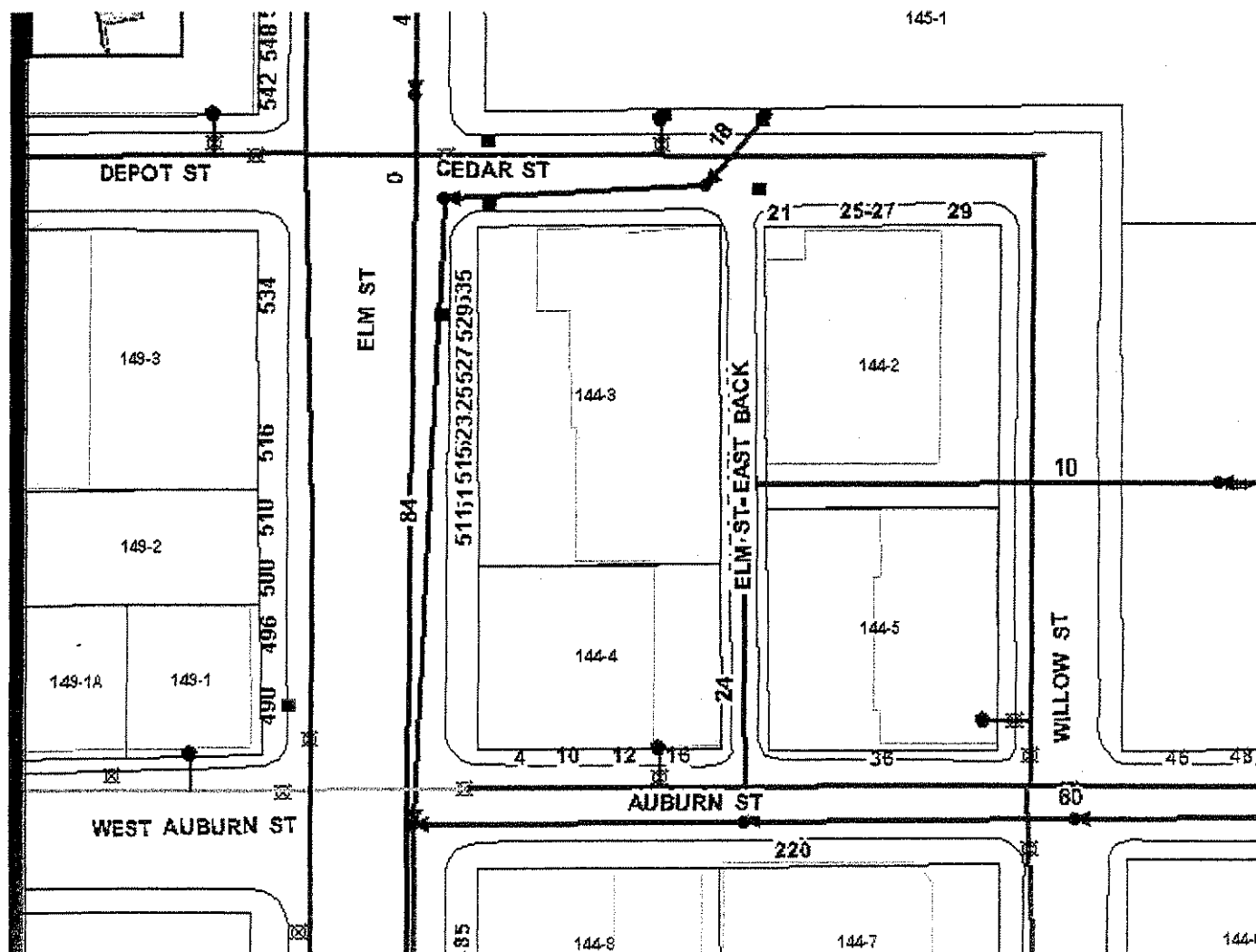
From: MICCIO, Martin [MMICCIO@manchesternh.gov]
Sent: Wednesday, December 06, 2006 4:04 PM
To: charris@pruverani.com
Subject: FW: Discontinuance example

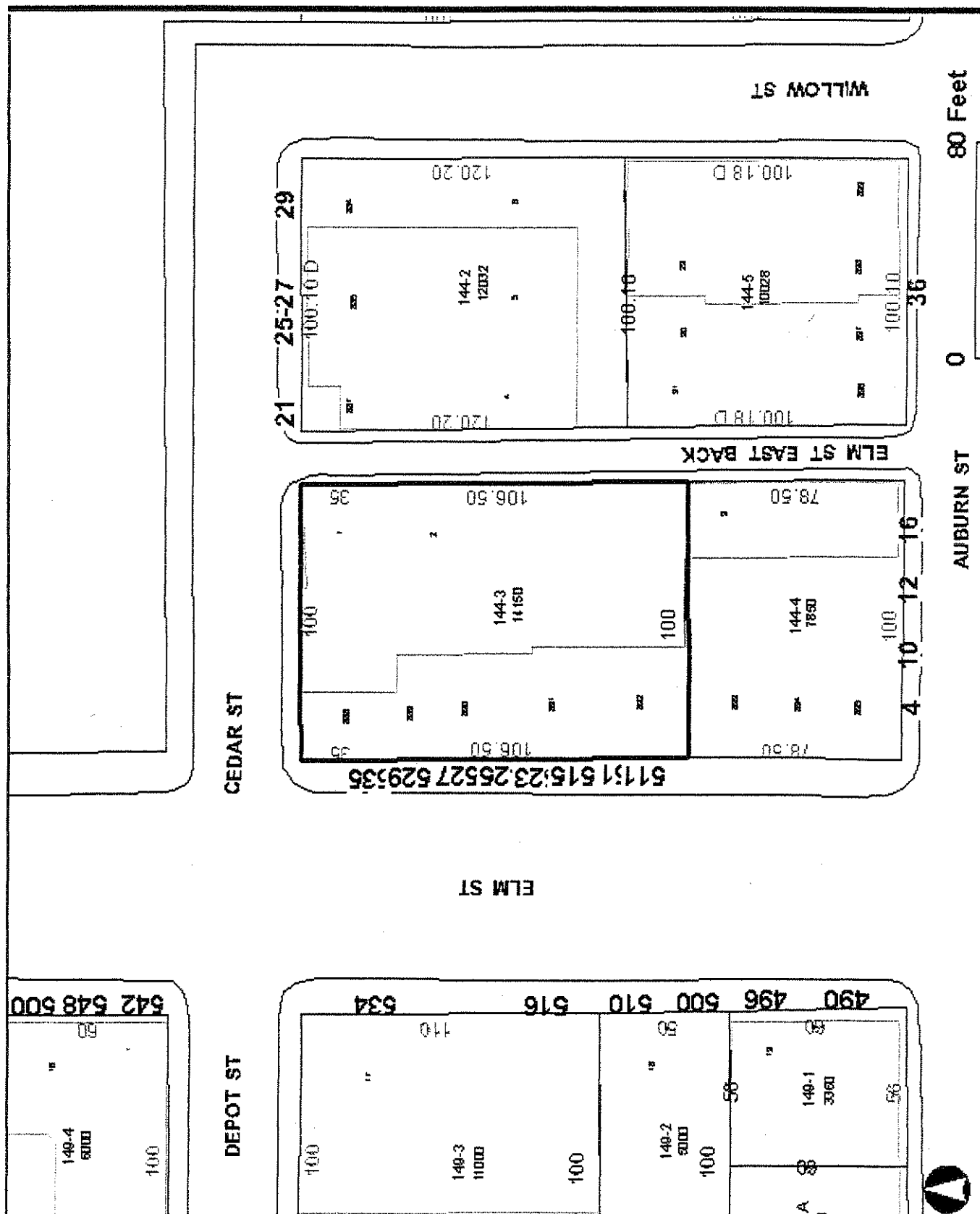
Email sent August 10, 2006

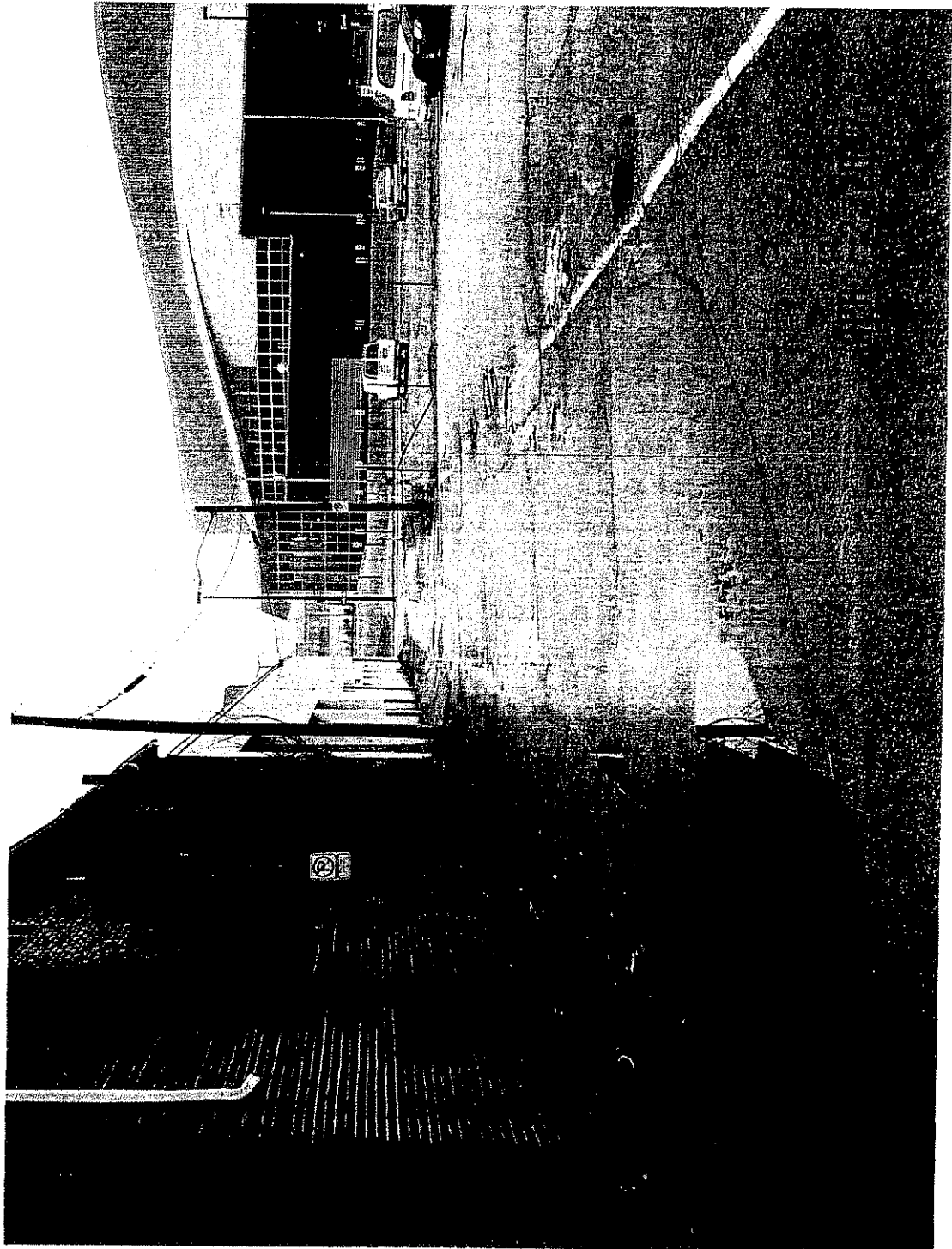
From: MICCIO, Martin
Sent: Thursday, August 10, 2006 4:16 PM
To: 'Cliff Harris (charris@pruverani.com)'
Subject: Discontinuance example

I believe that Elm East Back Street was the subject of a name change to Manhattan Lane (Alley from Cedar St to Auburn St between Elm St and Willow St). However I do not have a reference of that record; possibly the City Clerk can locate that record. Certainly that would be evidence of its public status. Additionally the City prepared a grade sheet for the alley in 1931.

There appears to be a 24" public sewer in the southerly half of the alley and any discontinuance would require an easement reservation.







LR-7



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

April 17, 2007

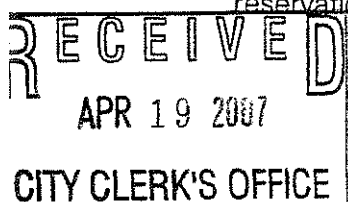
Community Improvement Committee of the Board of Mayor and Aldermen
City Hall
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION FOR LAYOUT AND DISCONTINUANCE OF A PORTION OF ELM EAST
BACK STREET, AKA MANHATTAN LANE, AKA HARRY THEO DRIVE

Dear Committee Members,

We have reviewed the referenced item and have found the following:

- **Elm East Back Street** was originally dedicated by plan of the Amoskeag Company as a 220' long by 20' wide passageway. The date of that plan is unknown but it appears to be earlier than 1893.
- No acceptance of that dedication or return of layout for **Elm East Back Street** was found in the records of the City Clerk.
- However, it appears the street has public status by implied acceptance by the City and/or prescriptive use by the public.
- The portion of this street north of Cedar Street was also not accepted or laid out by the City. However, the Board of Mayor and Aldermen discontinued that section in August of 1961.
- The Highway Department maintains this section of street.
- The records of the Highway Department indicate a City sewer pipe lies in the southerly portion of the street. At a minimum, these pipes require a reservation of easement rights to the City, although the Highway Department prefers a reservation of a utility easement over the length of the discontinued street.



HB+7

The Highway Department supports the discontinuance of ***Elm East Back Street- Harry Theo Drive*** subject to a reservation of a utility easement and provided all the abutters are in favor of the discontinuance.

Sincerely,

A handwritten signature in cursive script that reads "Frank Thomas".

Frank Thomas, P.E.
Public works director

MJM
CC: file

4 B+7

The Granite State Fruit Co., Inc.

ESTABLISHED OCTOBER 5, 1935

30 AUBURN STREET, MANCHESTER, NH 03103

TELEPHONE: 603-627-4131 FACSIMILE: 603-627-0480

April 18, 2007

City Clerk's Office
One City Hall Plaza
Manchester, NH 03101

RE: Street Discontinuance

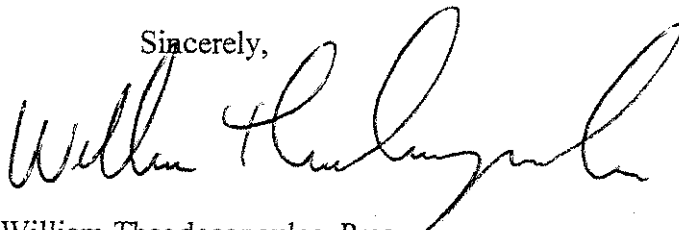
To Whom It May Concern:

In recent conversations with Manchester Highway Department officials, I learned that a request has been made by Michael Kapos that the City discontinue use of "Harry Theo Lane," formerly known as either Manhattan Lane or Elm Street Back Alley East. This section of alley runs between Auburn and Cedar streets about 100 feet east of Elm.

Should this request be granted, future tractor-trailer deliveries to my business would be impossible, dealing Granite State Fruit a crippling, possibly fatal blow. Currently these trucks enter my lot via Auburn Street and exit via the alley to Cedar Street where access to Willow Street and surrounding roadways is easy, straightforward, safe and convenient. Without use of the alley, big rigs would be forced to exit my lot by backing a 22 foot tractor with an attached 53 foot trailer out into traffic on Auburn...an extremely hazardous maneuver that all of my suppliers that I have spoken with refuse to attempt owing to the risk and liability.

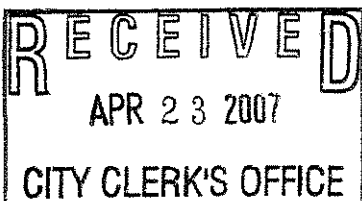
I understand that the customary process for handling discontinuance requests includes a formal hearing where abutters may voice their opinions. I would appreciate being notified of this hearing. Thank you.

Sincerely,



William Theodosopoulos, Pres.
Granite State Fruit Company, Inc.

4B+7



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that petitions:

Layout and discontinuance of a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive); and
Discontinuance of a portion of Litchfield Lane

be referred to a Road Hearing at a date to be set by the City Clerk.

(Unanimous Vote)

Respectfully submitted,

At a meeting of the Board of Mayor and Aldermen
held May 15, 2007 on a motion of Ald. Smith
duly seconded by Ald. Thibault the report
of the Committee was accepted and its recommendations
(adopted) (deleted)


Clerk of Committee


City Clerk

4c+8

*To the Honorable Board of Mayor and Aldermen of the
City of Manchester:*

*The Undersigned respectfully represent that for the accommodation of the
public there is occasion for discontinuing a highway.*

Beginning at a point in the northerly line of the back street known as Litchfield Lane, formerly known as Central South Back Street, said point being 140.1' west of the westerly line of Chestnut Street; thence, southerly 30.0' to the southerly line of Litchfield Lane; thence, westerly 225.2' by the southerly line of Litchfield Lane; thence, northerly 30.0' to a point in the northerly line of Litchfield Lane, said point being 75.1' east of the east line of Elm East Back Street. Thence, easterly 250.2' by the northerly line of Litchfield Lane to the point of beginning.

Excepting and reserving a utility easement to the City of Manchester over the area described for all existing and future utility lines and pipes deemed necessary.

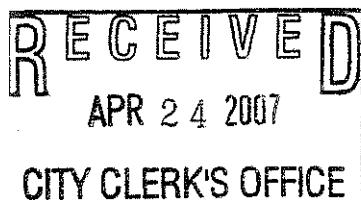
The back street was laid out as a 20' wide street by the Board of Mayor and Aldermen on August 25, 1852 and the action recorded in Highways, Streets and Bridges Book 1, Page 63 at the Office of the City Clerk. The street was then widened to 30' by plan entitled "Disposition Map Spruce Street Project, Manchester Housing Authority" dated April 20, 1960. The 10' strip was taken from the parcels on the southerly side of the street. No formal acceptance of that widening dedication was found.

He, therefore, requests you to discontinue the above-described portion of Litchfield Lane.

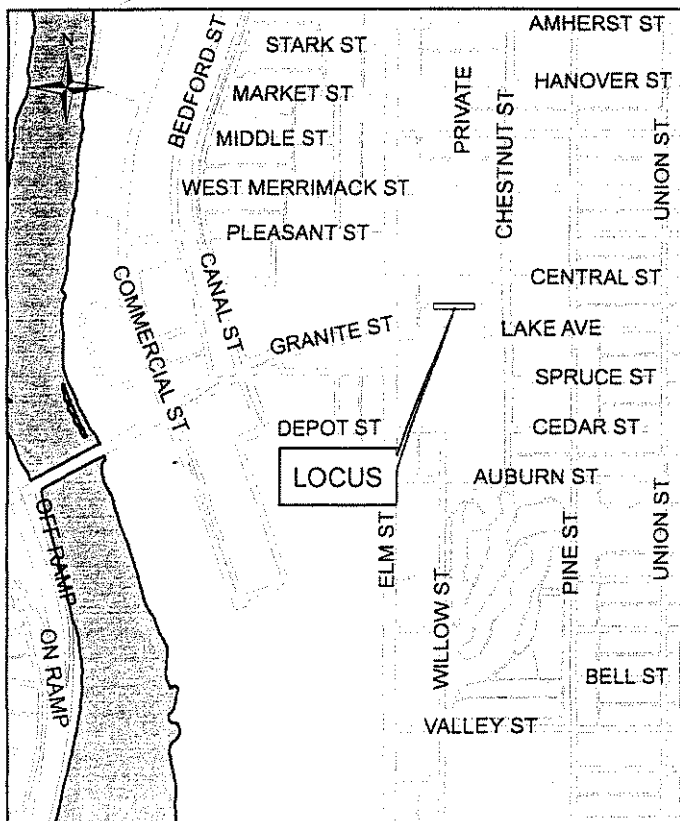
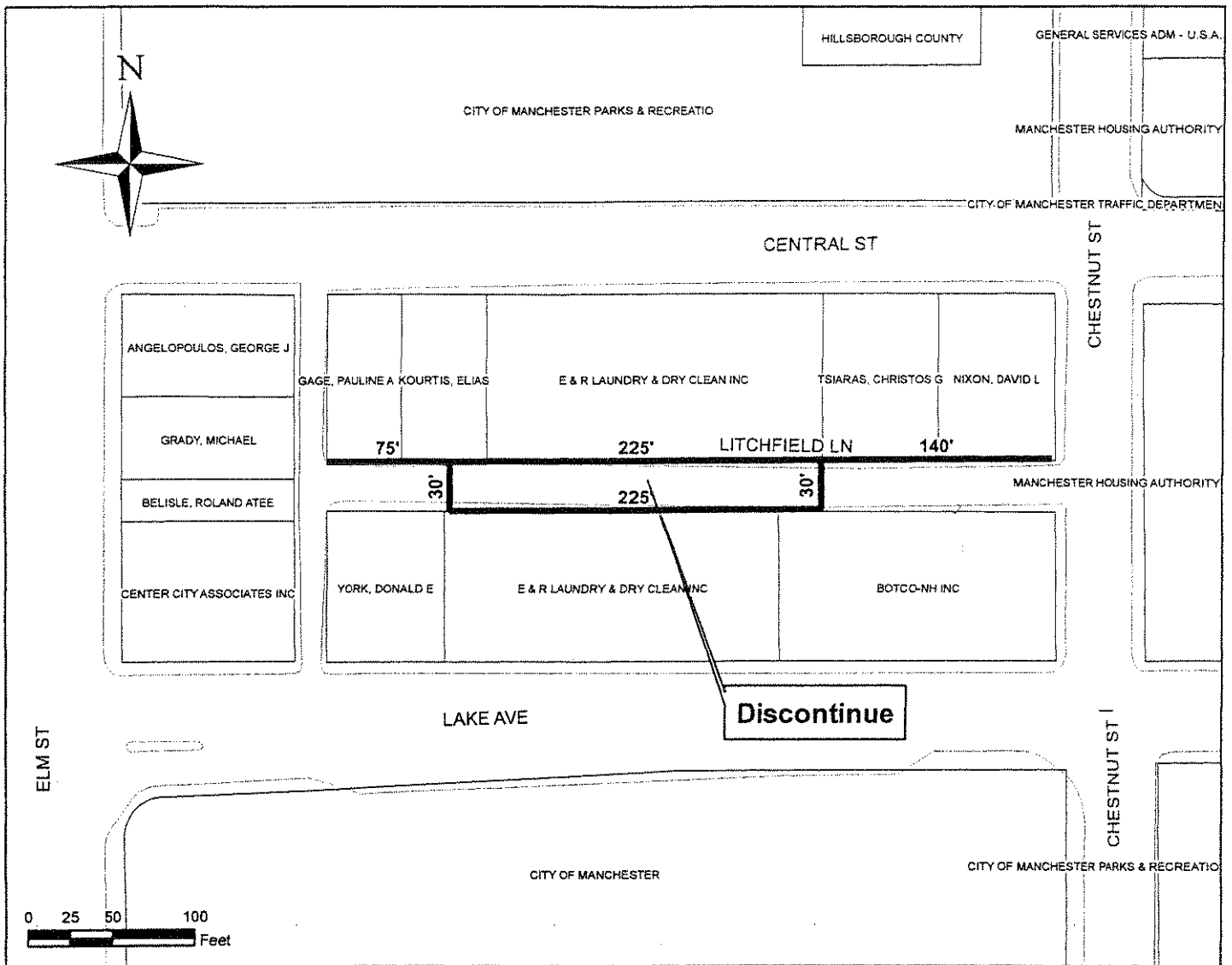
Dated at the City of Manchester, New Hampshire this 21 day of April 2007.

By: 

RICHARD BOTNICK, TREAS.
BOTNICK 5 VENTURES, INC.



4c+8



Proposed Street Discontinuance Litchfield Lane



Manchester, NH

April 20, 2007

40+8



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Joan Flurey
William F. Houghton Jr.
Robert R. Rivard
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

April 27, 2007

Community Improvement Committee of the Board of Mayor and Aldermen
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO DISCONTINUE TWO UNNAMED STREETS

Dear Committee:

We have reviewed the referenced item and have found the following:

- This portion of Litchfield Lane appears to have been originally laid out by the Amoskeag Company as a 20' back street and accepted by the City August 25, 1852 and recorded in Highways Streets and Bridges book 1 page 63.
- An unrecorded plan referenced in the deeds in this area was located at the office of Manchester Housing Authority. The plan is entitled "Disposition Map Spruce Street Project, Manchester Housing Authority" and dated April 20, 1960. The plan shows the back street widened to 30' with the 10' taken from the parcels on the south side of the back street
- There are sewers of record within this portion of Litchfield Lane.

The Highway Department supports these petitions for discontinuance if an easement is reserved across the former back street for existing and future utilities.

Sincerely,

Frank Thomas, P.E.
Public Works Director

MJM
cc: File

